IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 22.11.2007

Coram:-

The Hon'ble Mr. Justice P.D.DINAKARAN
and
The Hon'ble Mr. Justice R.REGUPATHI

Writ Appeal No.3495 of 2003
and
W.A.M.P. No.5643 of 2003

Sree Velmurugan Industries,
Madurai Road, Melur Village,
Thirumayam. ... Appellant/ Petitioner in W.P.4022/03

vs.

1. The Superintending Engineer,
Pudukottai Electricity
Distribution Circle,
Tamilnadu Electricity Board,
Pudukottai.

2. The Accounts Officer/Revenue,
Pudukottai Electricity
Distribution Circle,
Tamilnadu Electricity Board,
Pudukottai.

3. The Special Officer,
Thirumeyyam Rural Electric
Cooperative Society,
Thirumeyyam. ... Respondents/ Respondents in W.P.4022/03

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Appeal under Clause 15 of the Letters Patent as against the order of the learned single Judge, dated 12.09.2003, made in WPMP No.5065 of 2003 in W.P. No.4022 of 2003 Writ Petition filed under Article 226 of the Constitution of India to praying to grant interim injunction restraining the respondents herein their men servants or any one claiming under them from demanding or collecting 25% extra towards arc furnace charges for the period from 11.4.2001 to 28.12.2002 and at the rate of 0.80 paise per unit from January 2003 on wards.

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For Appellant : Mr.AR.L.Sundaresan,
Senior Counsel for
Ms.AL.Ganthimathi.
For Respondents/TNEB : Mr.S.N.Kripanandam.

J U D G M E N T

(Delivered by P.D.DINAKARAN, J.)

The Writ Appeal is directed against the interim order of the learned single Judge, dated 12.09.2003, in W.P.M.P. No.5065 of 2003 in W.P. No.4022 of 2003, granting injunction in favour of the appellant/writ petitioner against the proposed disconnection of electricity on condition that the appellant/writ petitioner pays 50% of the amount demanded ie., Rs.3,50,000/- out of Rs.7,00,000/-.

2. While admitting the Appeal, considering the prayer made in the Miscellaneous Petition ie., WAMP No.5643 of 2003, the First Bench of this Court, by order dated 05.11.2003, granted injunction on condition the petitioner pays Rs.2,00,000/-. Concededly, the said condition has been complied with. Therefore, the appellant/writ petitioner has to pay another sum of Rs.1,50,000/- to seek the benefit of the order, dated 12.09.2003, under Appeal. The order of the learned single Judge, dated 12.09.2003, being a discretionary order, even though it may not be proper for this Court to interfere with the same, taking note of the grievance expressed viz., the appellant is in financial crunch, we are inclined to modify the order dated 12.09.2003 to the extent that there shall be an order of injunction pending writ petition on payment of further sum of Rs.50,000/- (Rupees fifty thousand only) within a period of four weeks from the date of receipt of a copy of this order.

Registry is directed to expedite the hearing of the Writ Petition.

3. Writ Appeal is disposed of accordingly. No costs. Connected Miscellaneous Petition stands closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

JI.

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To

1. The Superintending Engineer,
Pudukottai Electricity
Distribution Circle,
Tamilnadu Electricity Board,
Pudukottai.

2. The Accounts Officer/Revenue,
Pudukottai Electricity
Distribution Circle,
Tamilnadu Electricity Board,
Pudukottai.

3. The Special Officer,
Thirumeyyam Rural Electric
Cooperative Society,
Thirumeyyam.

4. The Section Officer
Writ Section
High Court, Madras. (For posting of W.P.)

1 cc to M.s A.L. Gandhimthi, Advocate, Sr. 69540

Writ Appeal No.3495/2003
& connected W.A.M.P.

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